

CIVIL NO. 1:08CV132

Defendants.

THIS MATTER is before the Court on the Plaintiff's timely filed objections to the Memorandum and Recommendation filed by the Magistrate Judge. **See Memorandum and Recommendation, filed July 14, 2008; Plaintiff's Objections to the Memorandum and Recommendation, filed July 30, 2008.** Defendants have filed no objections to the Memorandum and Recommendation.

I. PROCEDURAL HISTORY

Plaintiff, proceeding *pro se*, filed a complaint alleging racial discrimination under 42 U.S.C. § 1983, and conspiracy to interfere with her civil rights under 42 U.S.C. § 1985. **See Complaint, filed April 7, 2008.**

On May 28, 2008, Defendants filed a motion to dismiss the complaint for lack of jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) and (6).

Defendants' Motion to Dismiss, filed May 28, 2008. After cautioning Plaintiff in accordance with *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir.

1975), Plaintiff filed her response in opposition to Defendants' motion;

thereafter, Defendants filed a reply. **See Plaintiff's Response to**

Defendants' Motion to Dismiss, filed June 16, 2008; Defendants'

Reply, filed June 20, 2008. After the consideration of the motions and supporting memoranda, the Magistrate Judge recommended Defendants'

motion to dismiss be granted and the complaint be dismissed with

prejudice as to all Defendants. **Memorandum and Recommendation,**

***supra*, at 13-14.**

II. STANDARD OF REVIEW

A party may file written objections to a magistrate judge's memorandum and recommendation within ten days after being served with a copy thereof. **See 28 U.S.C. § 636(b)(1)**. "Any written objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections." ***Thomas v. Westinghouse Savannah River Co.*, 21 F. Supp. 2d 551, 560 (D.S.C. 1997); see also, *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) ("Parties filing objections must specifically identify those findings objected to.")**. "Frivolous, conclusive or general objections need not be considered by the district court." ***Id.*** "A general objection, or one that merely restates the arguments previously presented is not sufficient to alert the court to alleged errors on the part of the magistrate judge. An 'objection' that does nothing more than state a disagreement with a magistrate's suggested resolution, or simply summarizes what has been presented before, is not an 'objection' as that term is used in this context." ***Aldrich v. Bock*, 327 F. Supp. 2d 743, 747 (E.D. Mich. 2004); see also *Jones v. Hamidullah*, 2005 WL 3298966, at *3 (D.S.C. 2005) (noting a petitioner's objections to a magistrate's**

report were “on the whole without merit in that they merely rehash [the] general arguments and do not direct the court’s attention to any specific portion of the [report].”). General or conclusive objections result not only in the loss of *de novo* review by the district court, but also a waiver of appellate review. ***Tyler v. Beinor*, 81 F. App’x 445, 446 (4th Cir. 2003); *United States v. Woods*, 64 F. App’x 398, 399 (4th Cir. 2003).** If proper objections are made, a district court will review the objections under a *de novo* standard. **28 U.S.C. § 636(b)(1).** Where no objection is made, however, the Court need “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” ***Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005), cert. denied, 126 S. Ct. 1033 (2006) (quoting Fed. R. Civ. P. 72, Advisory Committee note).**

III. DISCUSSION

The Magistrate Judge provided a thorough recitation of the facts pertinent to the motions herein. Accordingly, the Court hereby incorporates that portion of the Memorandum and Recommendation by

reference and will recite only the facts necessary for resolution of the matters currently before the Court.

In her objections, Plaintiff states that she is “again asking the Court to deny the Defendant’s Motion to dismiss, because of the severity of the Defendant’s actions against [her], Racial Bias, Retaliation, Harassment, Intimidation and Conspiring/Conspiracy.” **Plaintiff’s Objections, at 1.**

Beyond this lone assertion, Plaintiff offers no new argument or challenge to the Defendants’ motion to dismiss or the Magistrate Judge’s Recommendation. The Magistrate Judge recommended Plaintiff’s complaint be dismissed with prejudice on two grounds: (1) the Court lacks subject matter jurisdiction over the complaint; or in the alternative, (2) the complaint fails to state a claim under Fed. R. Civ. P. 12(b)(6).

Memorandum and Recommendation, *supra*.

A close examination of the parties’ pleadings and memoranda filed herein along with the Memorandum and Recommendation compel the conclusion that Plaintiff has raised only a general or conclusory objection. Where no proper objections are made, the Court need “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” ***Diamond, supra; see also Orpiano v. Johnson, 687***

F.2d 44, 47 (4th Cir. 1982) (holding “Courts have also held *de novo* review to be unnecessary . . . when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.”).

After a careful review of the Magistrate Judge's Memorandum and Recommendation, the Court finds that the proposed findings for dismissal are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Plaintiff's complaint against all Defendants be dismissed with prejudice.

IV. ORDER

IT IS, THEREFORE, ORDERED that Defendants' motion to dismiss Plaintiff's complaint against each individual Defendant is **GRANTED**, and Plaintiff's claims against all Defendants are hereby **DISMISSED WITH PREJUDICE**.

Signed: August 7, 2008



Lacy H. Thornburg
United States District Judge

